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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR .	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,322	03/26/2001	Barry Lynn Royer	2001P04776 US	8854

7590   03/20/2007

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER
NGUYEN, VAN H

ART UNIT	PAPER NUMBER
2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/817,322	ROYER ET AL.
	Examiner	Art Unit
	VAN H. NGUYEN	2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 August 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-24</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>05/01/2006</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   In view of the Appeal Brief filed on 08/01/2006, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

      (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

      under 37 CFR 1.113 (if this Office action is final); or,

      (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

      by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee

      and appeal brief fee can be applied to the new appeal. If, however, the appeal fees

      set forth in 37 CFR 41.20 have been increased since they were previously paid,

      then appellant must pay the difference between the increased fees and the amount

      previously paid.

Claims 1-24 are currently pending in this application.

Specification

2.   It is noted that applicant has other related applications, now U.S Patent No. 7,043,752

and U.S Patent No. 7,103, 666 filed on March 26, 2001. It is requested that any related

application be referred to in the first sentence of the specification. Applicant is also

·requested to supply the serial numbers of any other related applications currently pending

before the U.S Patent & Trademark Office.

Double Patenting

3.   The nonstatutory double patenting; rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. See In re Goodman, 11 F.3d

1046, 29 USPQ2d 2010 (Fed. CIT. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645

(Fed. Cir. 1985); In re van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re

Uogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528,

163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 C.F.R.' 1.321(b) would

overcome an actual or provisional rejection on this ground provided the conflicting

application or patent is shown to be commonly owned with this application. See 37

C.F.R.' 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR

3.73(b).

Claims 1-24 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1-14 of U.S. Pat. No. 7,043,752 and over

Claims 1-24 of U.S. Pat. No. 7,103, 666.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because the claims of the instant application, the claims of patent'752, and the

claims of patent'666 are claiming a system and method employed by a managing

application for supporting concurrent operation of a plurality of network compatible

applications. The differences between the claims of the instant application, the claims of

patent'752, and the claims of patent'666 would have been obvious to a person of

ordinary skill in the art at the time the invention was made, since the claims of the instant

application represent the invention in broader scope.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cohen at al.**

(US 6,178,511) in view of **Zhao** (US 6,035,404) .

As to claim 1:

Cohen teaches the invention substantially as claimed including a system for use in a first

application concurrently operating together with a plurality of network compatible

applications (see the Abstract and col. 2, line 24-col. 3, line 16), comprising:

an entitlement processor (an authentication module 21) for enabling user (a given

user) access (access) to a first application (a particular application) of a plurality

of concurrently operating applications (applications) in response to validation

(authenticates) of user identification information (information about users,

username, password) (see fig.2 and the accompanying text beginning at col.4, line

36);

a communication processor employed by the first application of the plurality of

concurrently operating applications for intermittently communicating an activity

indication being generated in response to user action and being communicated

sufficiently often (see fig.5 and the graphical user interface discussion beginning

at col. 6, line 19) during normal operation of the first application by the managing

application in response to the timeout window being exceeded (define either

minimum_ timeout or maximum_timeout; see the discussion beginning at col. 11,

line 35).

Cohen, however, does not specifically teach prevent an inactivity timeout.

Zhao teaches prevent an inactivity timeout (see Figs. 7-9 and the discussion beginning at

col.5, line 39).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Cohen with Zhao because Zhao's teaching would have

allowed users to sign on to a client system one time entering ones password. The SSO

framework then signs on to other applications on the user's behalf.

As to claim 2:

Zhao teaches intermittently communicating an activity indication prevents an inactivity

timeout of the plurality of concurrently operating applications of a particular user

initiated session (see Figs. 7-9 and the discussion beginning at col.5, line 39).

As to claim 3:

Cohen teaches the communication processor stores a plurality of activity indications and

sends the plurality of activity indications as a batch to the managing application (see col.

6, lines 38-59).

As to claim 4:

Cohen teaches the normal operation comprises application operation exclusive of

abnormal operation comprising an application failure (rc_success, rc_error; see the

discussion beginning at col. 10, line 25) and the user action comprises, among other

things, keyboard activity (col. 6, lines 8-18).

As to claim 5:

Cohen teaches the first application and the managing application reside in the same PC

and the activity indication notifies the managing application of activity by the first

application and includes, among other things, a session identifier for identifying a

particular user initiated session (col. 5, line 30-col. 6, line 7).

As to claim 6:

Cohen teaches the communication processor intermittently communicates activity

indications to the managing application using a plurality of different commands including

an activity notification command and a command involving, among other things,

determining a user operation session identifier from the managing application (col.5,

lines 30-40).

As to claim 7:

Cohen teaches the communication processor communicates to the managing application a

request to receive an activity indication associated with the first application and

maintained by the managing application, the activity indication indicating time since the

last activity update (col. 8, lines 45-67).

As to claim 8:

Cohen teaches individual applications of the plurality of concurrently operating

applications independently intermittently communicate an activity indication to the

managing application (col. 6, line 60-col. 7, line 20) and a browser application providing

a user interface display permitting user entry of identification information for validation

by the entitlement processor (see fig.5 and the graphical user interface discussion

beginning at col. 6, line 19).

As to claim 9:

Cohen teaches the communication processor communicates a time-out threshold value

comprising the timeout window to the managing application (see the timeout discussion

beginning at col. 11, line 35).

As to claim 10:

The rejection of claim 1 above is incorporated herein in full. Additionally, the

combination of Cohen and Zhao further teaches a comparator for comparing individual

activity status indicators with corresponding time-out threshold values to identify an

application time-out event indicated by a status indicator exceeding said time-out

threshold; and an activity monitor for updating individual activity status indicators,

corresponding to said plurality of concurrently operating applications, in response to said

received activity indications (Zhao; Figs. 7-9 and the discussion beginning at col.5, line

39).

As to claim 11:

Cohen teaches the activity indications received by the input processor are provided in

response to a user action (col.6, lines 10-13) and the user action comprises, among other

things, keyboard activity (col. 6, lines 8-18).

As to claim 12:

Cohen teaches an activity status indicator comprises a time indication identifying when

activity of a particular application was last reported, and the time-out threshold comprises

a predetermined time duration and the managing application determines the particular

application to be inactive if the time indication exceeds the time-out threshold (see the

timeout discussion beginning at col. 11, line 35).

As to claim 13:

Refer to claim 6 above for rejection.

As to claim 14:

Cohen teaches the communication processor communicates notice of the application

time-out event to applications of the plurality of concurrently operating applications that

have previously requested a notification of session termination (col. 6, lines 1-7).

As to claim 15:

Cohen teaches the communication processor communicates notice of the application

time-out event in response to, among other things, a received communication from an

application session having previously produced a time-out event (col.5, line 59-col.6, line

7).

As to claim 16:

Cohen teaches the activity indication includes, among other things, an identification of

particular user initiated session (col.5, line 30-col.6, line 7).

As to claim 17:

Cohen teaches a common timeout period for the plurality of concurrently operating

applications (see the timeout discussion beginning at col. 11, line 35).

As to claim 18:

Cohen teaches a predetermined default value for the time-out threshold values (col. 6,

lines 1- 7).

As to claim 19:

The rejection of claim 1 above is incorporated herein in full. Additionally, Cohen further

teaches a browser application (see Fig. 5 and the graphical user interface discussion

beginning at col. 6, line 19).

As to claim 20:

Cohen teaches the activity indication notification includes, among other things, an

identification of particular user initiated session (col. 5, line 30-col. 6, line 7).

As to claim 21:

Cohen teaches a common timeout period is used as the inactivity timeout for the plurality

of concurrently operating applications (see the timeout discussion beginning at col. 11,

line 35).

As to claim 22:

Refer to the discussion of claim 10 above for rejection.

As to claim 23:

Refer to the discussion of claim 1 above for rejection.

As to claim 24:

Refer to the discussion of claim 10 above for rejection.

Response to Arguments

5.   Applicant's arguments filed 08/01/2006 have been considered but are moot in view of the

new ground(s) of rejection.

Conclusion

6.   The prior art made of record, listed on PTO 892 provided to Applicant is considered to

have relevancy to the claimed invention. Applicant should review each identified

reference carefully before responding to this office action to properly advance the case in

light of the prior art.

Contact Information

7.   Any inquiry or a general nature or relating to the status of this application should
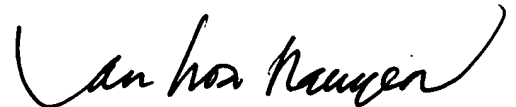be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to VAN H. NGUYEN whose telephone number is (571)
272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM
6:00PM. The examiner can also be reached on alternative Friday. If attempts to reach the
examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM
THOMSON can be reached at (571) 272-3718.

The fax phone number for the organization where this application or proceeding is
assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR. Status
information for unpublished applications is available through Private PAIR only. For
more information about the PAIR system, see http://pair-direct.uspto.gov. Should you
have questions on access to the Private PAIR system, contact the Electronic Business
Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450

Van H. Nguyen
Patent Examiner, AU 2194